

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 11-06/01-JL

Brian E. Mahoney

**ORDER FOR DETERMINATION OF MENTAL COMPETENCY
OF DEFENDANT**

The parties, with the personal consent of the defendant at an April 21 hearing, have jointly moved for a determination of mental competency pursuant to 18 U.S.C. § 4241. Based upon defense counsel's representations as to defendant's interactions with him, the observations and concerns of the prosecutor, the defendant's own statements concerning his competency, and the court's personal observations, I find reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect that could affect his competency to stand trial.

Pursuant to 18 U.S.C. § 4241(b) and 4247(b), the defendant is committed to the custody of the Attorney General for a period not to exceed thirty days for placement in a suitable facility

where an examination of the defendant's mental condition can be conducted. **The court specifically requests that the evaluator recommend to the court whether and which medications, if any, might facilitate the defendant's competent participation in the trial of this case.** The director of the facility may apply for a reasonable extension as provided by 18 U.S.C. § 4247(b). The examining officials shall prepare a report of their findings pursuant to 18 U.S.C. § 4247(b), which report shall be filed with this court. The Court requests prior notification of the date of the defendant's return to this jurisdiction after the examination so that a prompt competency hearing and detention hearing may be held.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Date: April 22, 2011

cc: Arnold H. Huftalen, AUSA
Paul J. Garrity, Esq.
U.S. Marshal
U.S. Probation